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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,314	03/30/2004	David P. Kippie	PA-00404US 3626	
26721 CARTER J. W	7590 02/09/2007 HITE LEGAL DEPART	EXAMINER		
M-I L.L.C.		FIGUEROA, JOHN J		
HOUSTON, T	COURSE DRIVE X 77072		ART UNIT	PAPER NUMBER
			1712	
			MAIL DATE	DELIVERY MODE
			02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/813,314	KIPPIE ET AL.	
Examiner	Art Unit	
John J. Figueroa	1712	

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The MAILING DATE of this communication appears of	n the cover sheet with the	correspondence add	ess
THE REPLY FILED 31 January 2007 FAILS TO PLACE THIS APPLI	CATION IN CONDITION FO	R ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on the statistic application, applicant must timely file one of the following replaces the application in condition for allowance; (2) a Notice of a Request for Continued Examination (RCE) in compliance with time periods:	eplies: (1) an amendment, a of Appeal (with appeal fee) in	ffidavit, or other eviden compliance with 37 CF	ce, which R 41.31; or (3)
a) \square The period for reply expires 3 months from the mailing date of the			
b) The period for reply expires on: (1) the mailing date of this Adviso no event, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b). Ol	an SIX MONTHS from the mailin	ng date of the final rejection	n.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07 (Extensions of time may be obtained under 37 CFR 1.136(a). The date on wh		43C(a) and the annualist	
have been filed is the date for purposes of determining the period of extension under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shorte set forth in (b) above, if checked. Any reply received by the Office later than may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	n and the corresponding amount ned statutory period for reply original	t of the fee. The appropria	ate extension fee e action: or (2) as
2. The Notice of Appeal was filed on A brief in compliance filing the Notice of Appeal (37 CFR 41.37(a)), or any extension a Notice of Appeal has been filed, any reply must be filed within AMENDMENTS	thereof (37 CFR 41.37(e)), t	o avoid dismissal of the	s of the date of e appeal. Since
3. The proposed amendment(s) filed after a final rejection, but proposed amendment (s) filed after a final rejection, but proposed amendment (s) filed after a final rejection (s) filed after a f	rior to the date of filing a brief	f, will not be entered be	cause
(a) They raise new issues that would require further conside	ration and/or search (see NC	TE below);	
(b) They raise the issue of new matter (see NOTE below);	•		
(c) ☐ They are not deemed to place the application in better fo appeal; and/or			he issues for
(d) They present additional claims without canceling a corre		jected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.116 an			
4. The amendments are not in compliance with 37 CFR 1.121. So	ee attached Notice of Non-Co	ompliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s):	<u> </u>		
 Newly proposed or amended claim(s) would be allowable non-allowable claim(s). 			
7. For purposes of appeal, the proposed amendment(s): a) we how the new or amended claims would be rejected is provided The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	ill not be entered, or b) ☐ w below or appended.	ill be entered and an e	xplanation of
Claim(s) objected to:		•	
Claim(s) rejected: <u>1-6,9 and 10</u> .			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
8. The affidavit or other evidence filed after a final action, but before because applicant failed to provide a showing of good and suff was not earlier presented. See 37 CFR 1.116(e).	icient reasons why the affida	vit or other evidence is	necessary and
 The affidavit or other evidence filed after the date of filing a Not entered because the affidavit or other evidence failed to overco showing a good and sufficient reasons why it is necessary and 	ome <u>all</u> rejections under appe was not earlier presented. S	eal and/or appellant fail See 37 CFR 41.33(d)(1	s to provide a).
10. ☐ The affidavit or other evidence is entered. An explanation of the REQUEST FOR RECONSIDERATION/OTHER	ne status of the claims after e	entry is below or attach	ed.
11. The request for reconsideration has been considered but does	s NOT place the application i	n condition for allowan	ce because:
12. Note the attached Information Disclosure Statement(s). (PTO	/SB/08) Paper No(s)		

Continuation of 3. NOTE: Independent claims 1, 4 and 6 have been amended to limit the monovalent cation-containing well fluid to comprise a "single" aqueous monovalent brine system. This proposed amendment raises issues of indefiniteness under 35 USC 112 because it is unclear as to what the term "single" is modifying, i.e., the monovalent salt of the brine system. Moreover, even if the amended claims were to be interpreted as reciting a "single" brine system, it would not overcome the outstanding 35 USC 112 rejection due to the "comprising" language in the preamble of said claims, which remains open-ended to read on a well fluid having more than one brine systems.

RANDY GULAKOWSKI SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1700